

Affidavit of Richard Miller, March 20, 1997

EPA Region 5 Records Ctr.



268362

AFFIDAVIT

STATE OF MINNESOTA    )  
                                   ) SS.  
 COUNTY OF STEARNS    )

Richard Miller, being first duly sworn, on oath deposes and states as follows:

1. That he is the Mayor of the City of Waite Park, a municipal corporation under the laws of the State of Minnesota.

2. That in his capacity as Mayor of the City of Waite Park, he is aware of certain hazardous substances and contaminants located on the premises legally described as follows:

That part of the South Half of the Southeast Quarter (S  $\frac{1}{2}$  SE  $\frac{1}{4}$ ) of Section 8, Township 124 North, Range 28 West, in the City of Waite Park, Stearns County, Minnesota, described as follows:

Commencing at the southwest corner of Section 9; thence South 89 degrees 33 minutes 37 seconds East, assumed bearing, along the south line of said Section 9, a distance of 938.16 feet; thence North 08 degrees 12 minutes 25 seconds West 174.12 feet; thence North 89 degrees 59 minutes 25 seconds West 1514.10 feet; thence North 00 degrees 02 minutes 05 seconds East 177.16 feet; thence North 89 degrees 57 minutes 55 seconds West 183.34 feet; thence North 00 degrees 02 minutes 05 seconds East 97.30 feet; thence South 89 degrees 57 minutes 55 seconds East 113.34 feet; thence North 00 degrees 02 minutes 05 seconds East 467.56 feet to the point of beginning; thence South 89 degrees 57 minutes 55 seconds East 565.00 feet; thence North 00 degrees 02 minutes 05 seconds East 134.20 feet to the southerly right-of-way line of Burlington Northern Railroad; thence South 87 degrees 16 minutes 55 seconds West, along said right-of-way, 193.05 feet; thence westerly, along said right-of-way line, a distance of 372.28 feet along a tangential curve concave to the north having a radius of 5729.72 feet and a central angle of 03 degrees 43 minutes 22 seconds; thence South 00 degrees 02 minutes 05 seconds West along a line not tangent to said curve, 119.14 feet to the point of beginning.

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Reserving to the Grantor a 42.00 foot utility, ingress and egress easement over, under and across the north 42.00 feet of the parcel described above.


Also reserving a 44.00 foot roadway and utility easement over, under and across the west 44.00 feet of the parcel described above.

Both reserved easements referred to above run with the land.

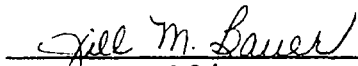
3. That the soil contaminants for the containment cell on the property legally described above are listed on Exhibit A attached hereto.

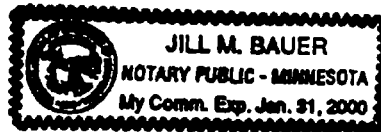
4. That this Affidavit is given pursuant to Minn. Stat. § 115B.16.

FURTHER YOUR AFFIANT SAITH NOT.

  
Richard Miller

Subscribed and sworn to before me this 20<sup>th</sup> day of March, 1997.

  
Notary Public



THIS INSTRUMENT DRAFTED BY:

RAJKOWSKI HANSMEIER LTD.  
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P.O. Box 1433  
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Table 4

7/12/94

Soil Contaminants of Concern  
Treated Soil Remediation Levels  
for Containment Cell  
Burlington Northern Car Shop Site  
Waite Park, Minnesota

Matrix/Compound	Remediation Level mg/l	Confirmation Sampling Methods
<b>Metals</b>		
Arsenic (c)	5.0	EPA 1311/EPA1312
Cadmium	1.0	EPA 1311/EPA1312
Lead	5.0	EPA 1311/EPA1312
<b>Semi-Volatile Organic Compounds (SVOCs)</b>		
Anthracene	NGA	EPA 1311/8270
Benzo(ghi)perylene	NGA	EPA 1311/8270
Fluoranthene	NGA	EPA 1311/8270
Fluorene	NGA	EPA 1311/8270
Naphthalene	NGA	EPA 1311/8270
Phenanthrene	NGA	EPA 1311/8270
Pyrene	NGA	EPA 1311/8270
total nPAHs	NGA	EPA 1311/8270 mod
total cPAHs (c)	NGA	EPA 1311/8270 mod
<b>Polychlorinated Biphenols (PCBs)</b>		
PCBs, total (c)	50.0 mg/kg	8080

EPA 1311, TCLP - Toxicity Characteristic Leaching Procedure

EPA 1312 - Synthetic precipitation leach test for soils

(c) - carcinogenic

NGA - No Goal Assigned. A goal was not assigned at this time due to lack of analysis.

A goal may be assigned based on the results of confirmation sampling.

848215

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COUNTY RECORDER  
STEARNS CO. MN  
PATRICIA M. OVERMAN  
F. Cassinante  
REPLY

**EXHIBIT**

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